IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7354 of 2007()

C.R.NO.75/02 OF PATHANAPURAM EXCISE RANGE

: PETITIONER/1ST ACCUSED:

SHIBU, S/O. GANGADHARAN,
SHIBU BHAVAN, VETTIKKAVALA P.O.,VETTIKKAVALA VILLAGE, KOTTARAKKARA TALUK.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.75 OF 2002 OF PATHANAPURAM EXCISE RANGE).

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7354 of 2007

Dated this the 30th day of November, 2007

ORDER

Application for regular bail. Petitioner faces allegations under the Kerala Abkari Act. He is the 1st accused. The allegation is that the petitioner was found to keep in his possession 35 litres of spirit on 3.12.02. The petitioner was not arrested at the crime stage. Investigation is now complete. Final report has already been filed. Cognizance has been taken. The petitioner was arrested and produced before the learned Magistrate. Committal proceedings are pending. The petitioner's arrest in this case is recorded w.e.f 12.11.07. He was arrested in some other crimes earlier.

2. The learned Public Prosecutor does not oppose the application, but submits that appropriate conditions may be imposed to ensure that the petitioner shall be present for the purpose of investigation. He has not been available for arrest from 3.12.02, points out the learned Public Prosecutor .

3. I am satisfied that subject to appropriate conditions, regular bail can be granted to the petitioner. Appropriate conditions can be imposed to allay the apprehension aired by the learned Public Prosecutor.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees Two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall, until the case against him is finally disposed of, report before the Investigating Officer between 5 p.m and 6 p.m on the first Mondays of all English calendar months.

(R.BASANT, JUDGE)

rtr/-